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ANN BAVENDER*
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
PAUL J. FELDMAN
FRANK R. JAZZO
ANDREW S. KERSTING
EUGENE M. LAWSON, JR.
SUSAN A. MARSHALL*
HARRY C. MARTIN
RAYMOND J. QUIANZON
LEONARD R. RAISH
JAMES P. RILEY
ALISON J. SHAPIRO
KATHLEEN VICTORY
JENNIFER DINE WAGNER*
HOWARD M. WEISS
ZHAO XIAOHUA*

* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

www.fhh-telcomlaw.com

RETIRED MEMBERS
RICHARD HILDRETH
GEORGE PETRUTSAS

CONSULTANT FOR INTERNATIONAL AND INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)

OF COUNSEL
EDWARD A. CAINE*
DONALD J. EVANS*
MITCHELL LAZARUS
EDWARD S. O'NEILL*

WRITER'S DIRECT

(703) 812-0403
feldman@fhh-telcomlaw.com

March 13, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND
Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW, Room TWB204
Washington, D.C. 20554

Re: CC Docket No. 98-147
CC Docket No. 96-98
Reply Comments of Roseville Telephone Company

Dear Ms. Salas:

Enclosed, on behalf of Roseville Telephone Company, are an original and 4 copies of its Reply Comments in CC Docket Nos. 98-147 and 96-98.

Please contact me if you have any questions.

Very truly yours,

Paul J. Feldman
Counsel for Roseville Telephone Company

PJF:jpg

Enclosures

cc: Certificate of Service
Mr. Greg Gierczak
Mr. Jack Day

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Deployment of Wireline Services Offering Advanced Telecommunications Capability	)	CC Docket No. 98-147
	)	
And	)	
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket 96-98

REPLY COMMENTS OF ROSEVILLE TELEPHONE COMPANY

Roseville Telephone Company ("Roseville"), by its attorneys, hereby submits these Reply Comments in response to the Third Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, released January 19, 2001 ("*FNPRM*"). In these Reply Comments, Roseville briefly addresses two concerns revealed in the Comments in this proceeding: 1) the lack of evidence in the record that the Commission's proposals meet the critical Section 251(d)(2) "impairment" standard; and 2) the substantial evidence in the record of the diversity of ILEC network infrastructure, demonstrating that a "one size fits all" approach to line sharing is unreasonable.

Roseville is a rate-of-return incumbent local exchange carrier serving subscribers in the Roseville, California area, and it has been providing high quality communications services to its subscribers for over 85 years. Roseville is a mid-sized

carrier, serving approximately 132,000 access lines, and has two central offices: Roseville and Citrus Heights.[1]

I. The Record Does Not Demonstrate That the Proposed Unbundling Methods Meet the Required "Impairment" Standard.

While Roseville addresses in Section II of these Reply Comments some of the technical issues raised in the *FNPRM* regarding methods for accessing the unbundled high frequency portion of a loop, Roseville firmly believes that no method of access to that portion of the loop meets the required "impairment" standard under Section 251(d)(2) of the Communications Act. The Comments filed in response to the *FNPRM* are consistent with that finding. Commenters such as SBC (at pages 7-8, 12-13 and note 13) and Verizon (at pages 2-4) lay out in detail how the Commission itself has recognized that the market in advanced broadband services is highly competitive, and that accordingly, unbundling this portion of the loop to encourage the provision of broadband services such as DSL could not meet the impairment test. Significantly, the comments of CLECs do not appear to contest the numerous Commission findings that the broadband market is highly competitive, but rather recite their statement of faith that the ILECs are "leveraging" their control over voice services to obtain control over broadband services. *See, e.g.,* Comments of Covad Communications et al. at pages 4-5. Yet this approach appears to ignore the fact that cable modem providers, not ILECs

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[1] Roseville is a member of the United States Telecom Association, and fully supports the Comments and Reply Comments of USTA in this proceeding.

are the most powerful industry in the broadband market.[2]

In sum, Roseville does not believe that the unbundling proposed in the *FNPRM* can meet the required "impairment" standard[3], and any discussion of the *FNPRM* proposals by Roseville should not be interpreted as a concession that such proposals are valid under Section 251(d)(2) of the Communications Act.

II. The Diversity of ILEC Network Configurations, and Technical Issues, Make a "One Size Fits All" Approach Impractical and Unreasonable.

The questions in the *FNPRM* suggest that the Commission is attempting to create generic "one size fits all" rules to promote CLEC access of line sharing. Yet, even if the proposals in the *FNPRM* met the "impairment" standard, in light of the diversity of ILEC networks, as demonstrated in the Comments, and certain obvious technical difficulties in line sharing, it is clear that such a generic approach will not work on many ILEC networks, and as a result would be both impractical and unreasonable.

The detail in the questions of the *FNPRM*, and the different technical approaches explored therein, suggest that the Commission is seeking information regarding ILEC network configurations. The record demonstrates, however, that there is great diversity among different ILECs in the nature of their fiber and DLC facilities, in the availability of fiber transport, etc. Compare, for example, the Comments of Verizon

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[2] *See, e.g.,* Second Report on Deployment of Advanced Telecommunications Capability, 22 Comm. Reg. (P&F) 390 (2000) at paras. 71, 72 (as of December 31, 1999, cable modem services had 87.5 percent of all residential advanced services subscribers, and 78 percent of all residential "high speed" subscribers).

[3] Indeed, Roseville does not believe that any requirement to unbundle the high frequency portion of the loop can meet the "impairment" standard.

at pages 4-5 (no DSLAM functionality anywhere in the Verizon network) with the Comments of BellSouth Corporation at page 5 (remote DSLAM arrangement common in BellSouth network). While this inter-company diversity alone would be sufficient to make generic line sharing rules impractical and unreasonable, the diversity of network infrastructure within individual companies adds to the impracticality of such an approach. *See, e.g.,* Comments of BellSouth at pages 3-4 (installation of line card would not work in majority of DLCs in network, but would work in some of its DLCs) and at pages 5-6 (describing different architectures in BellSouth network used in different places for provision of ADSL).

In addition to the diversity of ILEC networks, the record demonstrates substantial technical problems with each of the proposals in the *FNPRM*. *See, e.g.,* Comments of SBC Communications, Inc. at pages 12-25, and Comments of BellSouth at pages 2, 5-8. Below, Roseville answers some of the questions raised in the *FNPRM*, and demonstrates that the technical problems in its network arising out of the Commission's proposals would be substantial.

> 1. Can a requesting carrier physically or virtually locate its line card at the remote terminal by installing it in the ILEC DLC?
>
> There are substantial technical problems with this approach. Roseville's vendors have not developed management platforms that allow a user access to a particular card within a DLC or DSLAM. Instead, their management systems provide access to the entire network (every node, every card, every circuit), which could lead to significant problems in network security and maintenance. Unlike interconnection at other points, interconnection at the DLC would not allow for isolation of different carriers' facilities to remedy these concerns. Other problems would involve loading (often only a certain mix of circuit packs is allowed on a shelf and sometimes only particular slots are available for certain services) and mapping (some circuit packs have two circuits per card and some

have four. These cards cannot be changed from slot to slot). in addition, installation of multiple cards at DLCs can create great inefficiencies, since such cards would create circuits dedicated to each carrier, which would not be available to customers of other carriers. Lastly, the record demonstrates that line card manufacturers cannot at this time produce line cards for insertion into different equipment at different ILEC remote terminals[4], and Roseville is concerned that any attempt to do so could harm transmission by all carriers using that remote terminal.

2. Is dark fiber an adequate alternative where subloop offerings are unavailable?

While Roseville has not yet completely surveyed the availability of dark fiber in its network, it believes that there may be some locations where dark fiber would be available for such use. However, the availability would be on a case-by-case basis. Accordingly, a generic requirement to make dark fiber available throughout the Roseville network would be inappropriate.

3. Is migrating the customer served by a DLC onto an all-copper loop possible or a desirable solution?

This would not be a viable solution in the Roseville network. The intra-network transport in the Roseville system is now based on fiber to DLCs, and has been so based since 1984. Only a limited number of copper loops exist intrasystem, and they are used only for testing, alarms and maintenance. Migrating the customer to an all copper loop would thus require Roseville to overlay its entire network with copper, in effect requiring Roseville to create a new network, at the cost of millions of dollars. This change back to a copper network would be irrational, as it would be both expensive and create a less technical capable, more inefficient network.[5] In addition, a copper overlay would force consolidation back to the central offices, since transportation of the signal would be over long distances, leading to degradation of the DSL and other services carried on the copper. Furthermore, Roseville does not believe that its central offices have enough space to accommodate the electronics that would be necessary to operate the new copper loops.

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[4] *See, e.g.,* Comments of Verizon at pages 8-9, and notes 19-22 therein.

[5] Indeed, the proposal to migrate customer to all-copper loops reveals the underlying weakness in the *FNPRM*: it is an attempt to impose technical requirements on ILEC networks to solve a problem (the provision of broadband services) that may be resolved by other currently unseen technical solutions shortly after the enactment of such rules.

4. Is it technically feasible to split the high and low frequency portions of the loop at the RT and route the data traffic back to the ILEC CO on a separate fiber path?

Roseville does not agree with the premise that voice and data traffic are always routed on separate fiber to the CO. There are many instances in the Roseville network where both types of traffic are on the same fiber, and in fact there are locations where there is only one set of fibers. In addition, sharing bandwidth between competitors raises serious problems. When two or more companies share a common card or fiber, questions arise related to the appropriate party to maintain that hardware. Reporting systems would need to be developed that recognize common use of portions of electronics, and update the on-going changes to such equipment. Multiple carrier access would also necessitate forecasting of capacity usage to accommodate all parties for effective use of the network, and competitors would likely be hesitant to provide such data to the ILEC. This lack of information could cause serious problems for safeguarding the integrity of the network.

5. Should shared access be achieved through purchasing unbundled packet switching capability?

This would not be a viable approach, as Roseville does not use packet switching for its DLC. It uses packet switching only in provision of ATM service.

In sum, the record demonstrates substantial diversity of among the networks of ILECs, within the networks of individual ILECs, and other obvious technical difficulties in line sharing. As a result, it is clear that a generic approach to line sharing will not work on many ILEC networks, and as a result would be both impractical and unreasonable.

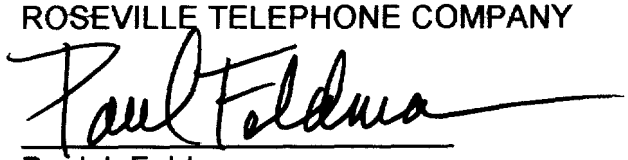
III. Conclusion

The record in this proceeding does not demonstrate that the Commission's proposed methods for accessing the unbundled high frequency portion of a loop meet the required "impairment" standard. However, even if they did meet that standard, in light of the diversity of ILEC networks, as demonstrated in the Comments, and certain

obvious technical difficulties in the proposed line sharing methods, it is clear that such a generic approach will not work on many ILEC networks, and as a result would be both impractical and unreasonable. Accordingly, the Commission should not enact rules based on the proposals set forth in the *FNPRM*.

Respectfully submitted,

ROSEVILLE TELEPHONE COMPANY



Paul J. Feldman

Its Attorney

FLETCHER, HEALD & HILDRETH, PLC
1300 North 17th Street
11th Floor
Arlington, Virginia 22209
(703) 812-0400

March 13, 2001

CERTIFICATE OF SERVICE

I, Joan P. George, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that a true copy of the foregoing *Reply Comments* was sent this 13th day of March, 2001, via United States First Class Mail, postage prepaid, and by hand where indicated, to the following:

Janice Myles, Esq. *
Common Carrier Bureau
Policy & Program Planning Division
Federal Communications Commission
The Portals
445 12th Street, SW, Room 5-C327
Washington, D.C. 20554
(Paper + diskette in WP format)

International Transcription Service
1231 20th Street, N.W.
Washington, D.C. 20037

Stephen L. Earnest, Esq.
Richard N. Sbaratta, Esq.
BellSouth Corporation
675 West Peachtree Street, NE
Suite 4300
Atlanta, GA 30375

John M. Goodman, Esq.
Verizon
1300 I Street, NW
Washington, DC 20005

Sean A. Lev, Esq.
Kellogg Huber Hansen Todd & Evans, P.L.L.C.
1615 M Street, NW, Suite 400
Washington, DC 20036
Counsel for SBC Communications

Kristen L. Smith, Esq.
Blumenfeld & Cohen - Technology Law Group
1625 Massachusetts Avenue, NW, Suite 300
Washington, DC 20036

Keith Townsend, Esq.
USTA
1401 H Street, NW
Washington, DC 20005-2164

Joan P. George

* By hand